

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Sheri Diane Fishbaugher,

Civ. No. 11-1252 (MJD/JJK)

Plaintiff,

v.

Michael J. Astrue,

**ORDER**

Defendant.

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Fay E. Fishman, Esq., Peterson & Fishman, counsel for Plaintiff.

Gregory G. Brooker, Esq., and Lonnie F. Bryan, Esq., Assistant United States Attorneys, counsel for Defendant.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated June 11, 2012. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment (Doc. No. 8), is **GRANTED**, and the case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for reversal and award of benefits; and

2. Defendant's Motion to Remand (Doc. No. 14), is **DENIED**.

**LET JUDGMENT BE ENTERED**

Date: June 25, 2012

s/Michael J. Davis  
MICHAEL J. DAVIS  
Chief Judge  
United States District Court